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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/872,335

06/02/2001

Kenneth J. Susnjara

21172

2887

7590

10/23/2006

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WASHINGTON, DC 20036

EXAMINER

ALVAREZ, RAQUEL

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/872,335

Applicant(s)

SUSNJARA, KENNETH J.

Examiner

Raquel Alvarez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is in response to communication filed on 8/21/2006.
2. Claims 1-63 are presented for examination.

#### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 5-7, 26, 60, 62-63 rejected under 35 U.S.C. 102(e) as being anticipated by US patent publication US 2002009358 A1.

As to claims 1, 26, Carlin discloses

“ A design professional such as an interior designer, furniture sales associate running a browser program at a client computer (i) uses the world wide web to connect to a graphics server computer and (ii) interactively selects or specifies furnishings or other objects from this server computer and previews the scene and communicates with the server, so as to (iii) receive and display to his or her client a high fidelity high quality virtual reality perspective view photorealistic image of furnishings or other objects displayed in, most commonly, a virtual representation of an actual room of a client's home. The photorealistic images, optionally provided to bona fide design professionals and their clients for free, but typically paid for by the product's

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manufacturer, promote the sale to the client of goods which are normally obtained through the graphics service provider's customer's distributor, profiting both the service provider and the design professional. Models, textures and maps of existing objects are built as necessary from object views or actual objects.

Full custom objects,

Including furniture and other products not yet built, are readily presented in realistic virtual image."

As such Carlin discloses

A method of marketing component products to tradesmen engaged in the production of room layouts utilizing said component products, and the sale of said rooms layouts to consumers, comprising: distributing software to said tradesmen functional in designing said layouts and including advertisements soliciting the sale of a first set of said component products (see at least abstract, [0144]; [0150]; [0160]; 0161] [0033])

Receiving electronically over the Internet from said tradesmen, orders for the purchase of selected ones of said first set of components (see figures 3-4 and associated text);

Transmitting electronically over the Internet to selected ones of a first set of vendors, ordered for the purchase of the component products corresponding to said selected ones of said first set of component products ordered by said tradesmen, with

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instructions to ship said ordered component products to said tradesmen (see figs. 3-4 and associated text; 0160, 0161);

receiving invoices from said first set of vendors for component products shipped to said producers responsive to purchase orders received by said first set of vendors, and remitting payment thereof to said first set of vendors; and invoicing said producers upon confirmation of shipment of said component products by said first set of vendors to said tradesmen (see figs. 3-4 and associated text 0144; 0150; 0160; 0161).

As to claims 5-7,

Carlin discloses said software is functional in producing layout drawings and manufacturing information for the production of said composite products (a room with pieces of furnishings and accessories) or in a producing layout drawings and manufacturing information for the production of said composite product.

As per claims 60, 62, 63 Carlin teaches a method of selling components parts to a user (Abstract). Allowing the user to select a composite product (i.e. the user selects the choice of furniture, fabric and choice of lighting for a room)(Figures 7a and 7b); determining the component parts necessary to produce the composite product (i.e. selecting the objects and fabric to produce a desired object)(Figures 3-4); transmitting electronically over the Internet to selected ones of vendors, orders for the composite products (i.e. transmitting to the manufacturer, the desired object)[0062]; effecting

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delivery of the composite products to the user [0177]; whereby the user can produce the composite product from the component parts (i.e. the customer receives the component parts(i.e. the user receives the pieces or parts) to produce the composite product (i.e. and assembles or puts together the desired object).

**Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4, 8-25, 27-59, 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlin as applied to claims 1 and 26 above, and further in view of well known facts.

As to claims 2-4, 9-11, 17-19, 30-32, 37-39, 45-47, 56-57, Carlin discloses free software to the designers (see abstract). Official notice is taken that it is well known to provide free enhancements, support or training when free software are provided for further customer satisfaction. Thus it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention was made to add free enhancements, support or training to the various software configurations for the above-stated purpose.

As to claims 8 (2<sup>nd</sup> vendors), 36, 43 (second products being appliances, 54, 55 Carlin discloses interactive targeting selling based on gathering of market data (see

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0161) however does not specifically disclose providing advertisements for the sale of a second set of component products of a second set of vendors, in said software.

However, Official notice is taken that providing more layers of products/services referrals is a well known marketing tool. It would have been obvious to one of ordinary skilled in the art at the time of Applicant's invention was made to add another layer of product marketing to Carlin to promote further sales of related products. (in some claims, the kitchen appliances being the goods from the second set of sellers would have been obvious in the kitchen/remodeling trade in view of Carlin's teachings of sales associated products.) Further, as with the first set of advertisers it would have been obvious to one skilled in the art at the time of Applicant's invention was made to charge said second of component set of vendors fees for inclusion of said advertisements of said second set of component products in said software before providing the sellers the opportunity to sell their wares as taught by Carlin.

As to claims 12-14, 20-22, 33-35, 40-42, 48-50, 58-59 (specific to router machines and router codes) Carlin discloses said software is functional in producing a three dimensional graphic display of said composite product ( a room with pieces of furnishings and accessories) or in producing layout drawings and manufacturing information for the production of said composite product.

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As to top claims involving router machines and router codes, Official notice is taken that is well known CNC machines are well known in the cabinetry business and thus it would have been obvious in the art at the time the invention was made to add router machines and its software code to Carlin to allow cabinet makers to utilize routers software in the design customization as taught by Carlin.

As to claims 15-16, 44, 51-52, 61 involving the software distributors products of Carlin discloses, providing, in said software, advertisements for the sale of products of sellers but not specifically those of the distributor of said software. However, that one of the sellers is named the "(software) distributor of said software. However, that one of the sellers is named the (software) distributor does not affect the method step and therefore the limitation is not accorded patented weight. As to the distributors' products being woodworking machinery including CNC router machine/components, Official notice is taken that CNC router machines/components are well known cabinetry machines and therefore it would have been obvious to one skilled in the art at the time of Applicant's invention was made to add them to Carlin to effect sales of goods associated with such machines in the kitchen design trade.

As to claims 24 and 53, Official notice is taken that it well known to have software is functional in generating information making a comparison of benefits obtainable in the use of one seller's products versus another seller's products selected by the user. It would have been obvious to one skilled in the art at the time the invention was made to



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add such software feature to Carlin to show the comparative benefits different purchase options to assist the customers' decision process (see Carlin 0159). Again, that one seller is named is named the (software) distributor does not affect the method step and therefore the limitation is not accorded patented weight.

As to claim 25, Carlin discloses combining the invoices of said selected ones of said first set of vendors and generating combined invoices to said producers (0160).

As to claims 27-29, Carlin does not specifically disclose wherein said room layouts comprise kitchens, the component products comprise hardware including handles, pulls, catches, knobs, hinges, stops and drawer slides or machined wooden products including drawers fronts, door panels and cabinets.

However Official Notice is taken that it is well known a most common room in one's home to furnish or remodel is the kitchen and all the above cited components of kitchen cabinetry. It would have been obvious to one skilled in the art at the time of the invention was made to add kitchens in the above cited associated components to Carlin to effect the teachings of Carlin in the well-practice context of kitchen's layout/remodeling.

### **Response to Arguments**

7. Applicant argues that Carlin (specially U.S. Appl. No. 09/463,507) from which Carlin claims priority doesn't teach the claimed features. The Examiner disagrees with Applicant because Figure 3 which the Examiner relied on is present in both Carlin and

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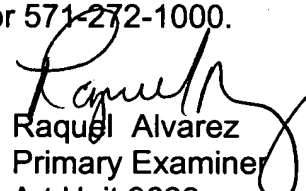
U.S. Appl. 09/643/507 which Carlin claims priority to.

**Point of contact**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Raquel Alvarez  
Primary Examiner  
Art Unit 3622

R.A.  
10/17/2006